

Applicant : Pilgrim G.W. Beart
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REMARKS

Reconsideration of the above identified patent application is respectfully requested. Claims 1-3, 6-7, 9-28, 30-31, 38-40, 42-44, and 47-49 remain in the application. Claims 4-5, 8, 29, 32-37, 41, and 45-46 are canceled. The rejection under 35 U.S.C. 103(a) are respectfully traversed.

Claims 1-3, 6-7, 9-28, 30-31, 38-40, 42-44, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/02879 to Kikinis in view of US Publication 2005/0192062 to Mickle.

Mickle was filed on December 23, 2004, and is a continuation-in-part of US 10/459,051 filed on June 11, 2003. Consequently, Mickle's earliest effective date as prior art is June 11, 2003.

The present application is a national stage application of PCT/GB2003/005470 filed December 16, 2003, which claims priority from GB 0229141.7 filed December 16, 2002. All of the pending claims are supported by the GB priority document – a certified copy of which is of record in the present application. Consequently, all of the pending claims are entitled to a priority date of December 16, 2002.

Because the priority date of the pending claims is earlier than Mickle's earliest effective date as prior art, Mickle is not prior art under 35 U.S.C. 102 and/or 103. It therefore is respectfully submitted that the rejection based on Mickle is improper and should be withdrawn.

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In view of the above amendments and these remarks, it is respectfully submitted that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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